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Statement of Rep. Thomas J. Bliley, Jr.
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
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Mr. Chairman, this subcommittee has conducted a lengthy investigation on the issue of scientific fraud which showed that researchers have reported findings that were unsupported by the evidence and that the evidence itself was manipulated.

These revelations were disturbing to this Member and, I am certain, to everyone on this subcommittee. Just recently, Mr. Chairman, I noted that you were quoted in the local press expressing your concern over why a controversial critique of scientific work on a controversial subject was ignored by EPA.

The Clean Air Act Amendments placed an important responsibility on the EPA to conduct scientific evaluations of 189 chemical compounds. It is imperative that these evaluations be based on the best, most complete science available and that the process of evaluating them be free from bias.

The American people must be able to rely on their government for accurate information on countless matters that are essential to their economic and social well being. The integrity of the scientific process is critical to everyone. If individuals running that process can manipulate it for their own purposes then no one is safe.

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The bedrock principle of our democracy is that we are a government of laws, not of men. It is contrary to our very system of government for a government agency to flout the law by preordaining the result it wants to reach and then rigging the process to get there.

It is wrong when federal procurement regulations are trampled and a contract is sole-sourced in clear violation of the law.

It is wrong for the government to jump the gun and issue a policy document built on the results of a scientific study that has not yet been finished.

And that wrong is grievously compounded when an agency launders a contract to parties who have known bias on the research in question and stand to reap a financial windfall if the taxpayer-funded study they are conducting comes out a particular way.

I know Mr. Reilly shares our view that the principles of fairness and objectivity must govern the conduct of government business. Unfortunately, I am concerned that his agency's performance in this area often has not matched his commitment to these principles.

As you know, I have been deeply troubled by EPA's handling of a number of issues, including environmental tobacco smoke. The investigation of this particular issue clearly shows that the agency has violated each and every one of the principles

I have just outlined.

First, EPA completed a draft policy guide on workplace smoking -- a subject on which it lacks both jurisdiction and expertise -- prior to the time the agency finished its own risk assessment on ETS. When I suggested a year and one half ago that it made sense to complete the risk assessment before writing a policy guide, my staff was told that my suggestion was not practical since the risk assessment was still being completed and the policy guide was already done.

The policy guide, among other things, recommends a ban on workplace smoking. Yet, EPA has never, in its ETS Risk Assessment or any other agency document, evaluated the data on workplace smoking. And after more than two years of wasting agency resources and substantial sums of the taxpayers money EPA officials have admitted as recently as this past summer that they know little about the subject.

Second, the Smoking Policy Guide was drafted by an organization called the Smoking Policy Institute, a group the Boston Globe identified as one of the major anti-smoking organizations in the country. This Institute is in the business of urging companies to implement smoking bans and gets paid for helping them to do so. Thus, a firm with a clear financial interest in the outcome was placed in a position to turn its private views into government policy without the intrusion of scientific evaluation of relevant workplace data and with the stamp of approval of EPA. You might think the EPA officials who originally solicited SPI for this project would question the appearance this contract might create.

Quite the opposite occurred. The EPA apparently chose to violate federal procurement law to make sure that the Smoking Policy Institute got the contract. I think it only fair to note that the initial award of this contract took place prior to Mr. Reilly becoming Administrator.

Mr. Chairman, I intend to ask the General Accounting Office to evaluate the fashion in which this contract was awarded without any competitive process. I am concerned that this method of laundering contracts through a general contractor to avoid the competitive process may be standard operating procedure at EPA. Clearly, in this instance, the subcontractor was directly solicited by the agency and the very next month selected by the general contractor to write this policy guide. Even if it passes the technicalities of a legal test, which I do not believe it does, it sure flunks the smell test on all counts.

When the process is short circuited in this fashion it raises great concerns as to the completeness and the integrity of a policy outcome. I look forward to working with you in our oversight capacity to insure that the process is both fair and complete and that agency science is complete and as unbiased as possible.

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